

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF VIRGINIA
RICHMOND DIVISION

THE TRUSTEES OF COLUMBIA
UNIVERSITY IN THE CITY OF
NEW YORK

v.

NORTONLIFELOCK INC.
f/k/a SYMANTEC CORPORATION

Civil Action No.:
3:13 CV 00808

April 20, 2022

DAY 7
EXPEDITED OVERNIGHT TRANSCRIPT

COMPLETE TRANSCRIPT OF JURY TRIAL
BEFORE THE HONORABLE M. HANNAH LAUCK
UNITED STATES DISTRICT COURT JUDGE

APPEARANCES:

John Erbach, Esquire
Dana D. McDaniel, Esquire
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Richmond, Virginia 23218

Garrard Beeney, Esquire
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KRISTA L. HARDING, RMR
OFFICIAL COURT REPORTER
UNITED STATES DISTRICT COURT

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12 Counsel on behalf of the Defendant
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(The proceeding commenced at 8:14 a.m.)

THE CLERK: Day 7. Case Number 3:13 CV 808.

Trustees of Columbia University in the City of New York v.
NortonLifeLock Inc.

Columbia is represented by Garrard Beeney,
Dustin Guzior, Alex Gross, Stephen Elliott, Jessica Ecker,
John Erbach and Dana McDaniel.

Norton is represented by Douglas Lumish, Michael
Morin, Srinivas Pathmanaban and Dabney Carr.

THE COURT: All right. Good morning.

So we have some preliminary matters I would like
to address.

First, I've gotten your information about
Dr. Jaeger's testimony. He's not going to testify today,
so I'm not going to address it.

Second of all, I have issued the order about
what defendants marked as DXEE.

Sit down, please. I'm not asking you to stand
up.

I have issued an order about DXEE. I will note
that the defendants have already marked DXEE, and they
need to clarify the record.

They can mark it ZZY, and the one I've ordered
ZZZ. And if you don't -- you can say whatever you want to
about either of the orders in writing. You don't need to

1 say it right now. I want it submitted immediately. I
2 don't want to hear it right now. Submit it in writing.

3 We -- but it has to be immediate.

4 With respect to some of the conduct in court,
5 it's gotten a little loose and so I don't want anybody
6 getting up and moving during testimony. If you have to
7 get up and leave the courtroom during testimony, you're
8 going to leave for the entire testimony of the witness.
9 You can't come back in.

10 It's happened a lot, and I've let it happen.
11 Doesn't generally happen in our trials. But it has to
12 stop. I find it distracting, and so I'm going to presume
13 that the jury finds it distracting as well.

14 It's also disrespectful if somebody is
15 testifying under oath to go back and forth, back and
16 forth. You can get up and go, you just can't come back
17 while the testimony is going on.

18 And, finally, this issue with the cell phones.
19 I really regret that -- certainly, the use of the cell
20 phone without warning during yesterday's cross-examination
21 is entirely untoward. It is -- we don't let cell phones
22 in the courthouse. Alexandria and Norfolk never let them
23 in the courthouse.

24 I gave you-all some leeway by letting you have
25 them in the courtroom with no Wi-Fi, but that's done. I

1 actually have seen counsel for Columbia texting during
2 testimony, which can't happen. And the use of the cell
3 phone with ring tones and showing pictures of the family,
4 it's entirely distracting and totally improper. So no
5 more cell phones. You're not having them in here. I
6 don't want to see them.

7 And I want the printer removed from the
8 vestibule. I don't know if you are using it all, but it
9 is going away.

10 You're going to handle this case the way that
11 every other lawyer in this jurisdiction handles it, and so
12 keep them out. Get rid of the printer.

13 I do have this issue about the demonstratives,
14 and I'm going to consider it. I'm going to issue a
15 written opinion. I've told the jury to come in late, and
16 so you will wait for my opinion.

17 We can take a recess.

18 (Recess taken.)

19 THE COURT: Well, I have been working through
20 what it is that you submitted, and I want you to know that
21 I've told the jury not to come in. It's going to take me
22 a while to issue what I need to issue, and so we will
23 start fresh tomorrow with what we were going to start with
24 today. I will issue it sometime today.

25 It's just that I don't want the jury or you-all

1 waiting around unnecessarily.

2 So we will adjourn until 8:00 tomorrow, I guess
3 to speak to the Jaeger objections, all right?

4 Okay.

5 (The proceeding concluded at 11:20 a.m.)

6 REPORTER'S CERTIFICATE

7 I, Krista Liscio Harding, OCR, RMR,
8 Notary Public in and for the Commonwealth of
9 Virginia at large, and whose commission expires
10 March 31, 2024, Notary Registration Number 149462,
do hereby certify that the pages contained herein
accurately reflect the notes taken by me, to the
best of my ability, in the above-styled action.
Given under my hand this 20th day of April, 2022.

11 /s/

12 Krista Liscio Harding, RMR
13 Official Court Reporter
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